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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants:	ANIMESH MISHRA, ET AL.	Group Art Unit:	2635
Serial No.:	09/765,823	Examiner:	Edwin C. Holloway, III
Filed:	January 19, 2001		
For:	THEFT PREVENTION USING LOCATION DETERMINATION	Atty. Dkt. No.:	ITL.0781US (P10482)

Mail Stop Appeal Brief—Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This Reply Brief is responsive to the Examiner's Answer dated April 6, 2004.

Date of Deposit: May 28, 2004
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Rebecca R. Ginn

REMARKS

It is respectfully maintained that claims 1-3, 6-9, 11-20, 31-45 and 47-73 are not obvious. As was argued in the Appeal Brief and reasserted herein, neither Hertel nor Johnson, nor a combination thereof discloses or suggests a technique in which information that is determined to be noncompliant with a local policy is nevertheless determined by a central agency to be compliant with a remote policy.

By way of example, claim 1 calls for a functional unit, a location determination device, a local policy enforcement device coupled to the location determination device and to the functional unit, and a communication interface coupled to the local policy enforcement device to transmit to a central agency information related to a failure to meet a local policy and to receive from the central agency an enablement signal if the information complies with a remote policy.

The plain language of claim 1 indicates that the information that failed to meet the local policy is the information that complies with a remote policy? Further, referring to Figure 2 as an example only, it is clear that the same information, such as location, that has failed a local policy may comply with a remote policy. That is, pursuant to the example given in Figure 2, there is a check at 62 for compliance with a local policy. Where that check fails there is a check at 65 for compliance with a global policy. Where the second check is affirmative, an appliance is enabled. In the flow chart of Figure 2, both checks are for location. P5 L 16, 20 contradicts.

In the Examiner's Answer, it is argued that claim 1 is not limited to location information. In the same sentence however, the Examiner states that claim 1 requires the information to relate to the failure to meet the local policy. Paper No. 13, at 22. It is respectfully submitted that Johnson fails to disclose transmittal to a central agency information related to a failure to meet a local policy, the information compliant with a remote policy.

In the Answer, the Examiner tries to show that Johnson teaches "related information" based on location. For example, the Examiner equates Johnson's preset alarm conditions such as motion detection or a vehicle moving outside a specified range to a local policy. Johnson, 17:9-18; 18:16-17; 25:40-26:46. Vehicle location may be reported to the central monitoring station when an alarm state occurs. Johnson, 13:50-14:14.

The Examiner also relies on Johnson as teaching a remote policy based on location. For example, in the Answer, information stored at a central monitoring station such as vehicle location and identification information is equated to a remote policy. Johnson, 11:39-65. In

particular, there may be special instructions stored at the central monitoring station such as a vehicle's owner is on vacation, the vehicle should not leave the airport parking lot for next two weeks. *Id.*

Critically, Johnson fails to specifically disclose that the instructions stored at the central monitoring station override an alarm condition. In fact, the Examiner's comments in the Answer suggest the opposite. That is, pursuant to the Examiner's comments, it is suggested that Johnson's range information at the security system and central monitoring station correspond. Quite simply, there is no clear teaching in Johnson of information related to the failure to meet a local policy that is determined to be compliant with a remote policy, and based on that determination permit enablement of the vehicle.

In fact, Johnson discloses one way to "override" an alarm, and that is by verifying that the vehicle occupant is an authorized user (owner) of the vehicle. 13:62-14:14. See also, Figure 7. Verification of the vehicle occupant is at the central monitoring station. *Id.* In other words, as was previously explained, in Johnson an alarm is caused by one type of information and authentication is via a different type of information. — Just like p 4-5 of appl. spec. Thus, authentication as disclosed by Johnson fails to overcome the deficiencies of Hertel.

The Examiner's reliance on authentication as disclosed by the Applicant is misplaced. For example, referring back to Figure 2 of the Applicant's specification, the Examiner equates the authentication at check 69 with Johnson's authentication. Specifically, it is asserted in the Examiner's Answer that the authentication described in the Applicant's specification "represents a remote policy corresponding [to] the authentication check at the central monitoring station of Johnson." Paper No. 13, at 23. However, pursuant to the specific example of Figure 2, authentication does not fail a local policy and comply with a remote policy to provide enablement. That is, pursuant to Figure 2, authentication may be at the appliance. If authentication fails, the appliance notifies the central agency. However, the central agency does not authenticate; rather, it notifies law enforcement. — See p5 L16,20. In another embodiment, authentication may take place at the central agency, not at the appliance. Further, in still other embodiments, data may be input at the appliance for a determination at the central agency. — Yes - "remote policy" In other words, a determination of authenticity is not made at the appliance. Notably, authentication in Figure 2 is invoked after a failure of both a local and remote policy with respect to location. Further, none of the examples above confirm authentication at the central agency after failure at the appliance.

? p5 L16,20 at step 65, after step 62.

Thus, the Examiner's reliance on the cited portion of the Applicant's specification regarding authentication to show that Johnson has done what the applicant has claimed is not persuasive.

The simple fact is neither Hertel nor Johnson alone or in combination discloses every limitation as claimed, nor is there a suggestion, motivation or teaching within the references to do what the applicant has done. *See, e.g. In re Kotzab*, 217 F.3d 1365, 1370-1371 (Fed. Cir. 2000) (To establish *prima facie* obviousness, there must be a suggestion, motivation, or teaching of the desirability of making the applicant's claimed invention. A rejection cannot be predicated on the mere identification of individual components in a reference of claimed limitations. Particular findings must be made as to the reasons the skilled artisan, with no knowledge of the claimed invention would have selected these components for combination in the manner claimed.) As such, reversal of the rejections is requested.

It is also respectfully maintained that claims 4, 5, 10 and 46 are not obvious. These claims were rejected over Hertel and Johnson in combination with Mansell. As explained above, neither Hertel nor Johnson teach or suggest all of the limitations of the independent claims. Thus, for at least the same reasons, claims 4, 5, 10 and 46 are believed to be patentable.

Further, according to some embodiments of the present invention, the functional unit may be an object that is not frequently moved such as a television. Thus, simple motion detection may be all that is needed. In contrast, a vehicle, as disclosed by Hertel may be in continuous motion, at least for some period of time. Thus, reliance on GPS coordinates as disclosed by Hertel is desirable. That is, pursuant to Hertel, the engine or motor of the vehicle is disabled when GPS coordinates do not agree with permitted locations. 4:45-50. Thus, simply detecting motion would not be advantageous to Hertel. Accordingly, it is respectfully submitted that there is not suggestion, motivation or teaching of the desirability of making the applicant's claimed invention. *See, e.g. In re Kotzab*, 217 F.3d 1365, 1370-1371 (Fed. Cir. 2000).

Then why does Johnson have a movement alarm for a vehicle?

CONCLUSION

In sum, it is respectfully submitted that *prima facie* obviousness has not been established for any of the claims. As such, the Board is requested to reverse of each of the rejections set forth in the Final Office Action and allow the application to issue.

Respectfully submitted,

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Rhonda L. Sheldon
Registration No. 50,457
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024-1805
(512) 418-9944 [Phone]
(713) 468-8883 [Fax]